

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

Marcus T.<sup>1</sup> )  
                        )  
Plaintiff,            )  
                        )  
vs.                    ) Case No. 3:21-cv-273-DWD  
                        )  
Commissioner of Social Security,    )  
                        )  
Defendant.            )  
                        )

MEMORANDUM & ORDER

DUGAN, District Judge:

Before the Court is Plaintiff's Motion for Attorney Fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412(d)(1)(A) (Doc. 43). Plaintiff asks for an award of attorney's fees in the amount of \$4,719.63. The Acting Commissioner does not oppose Plaintiff's request to the extent that it seeks \$4,719.63 for attorney fees and expenses in full satisfaction of any and all claims that may be payable to plaintiff in this matter under the EAJA.

The Court finds that Plaintiff is the prevailing party and is entitled to an award of attorney's fees pursuant to the EAJA, 28 U.S.C. §2412(d)(1)(A). The Court further finds that the amount requested is reasonable and appropriate. Accordingly, the Motion for Attorney's Fees Pursuant to the EAJA is **GRANTED** as follows:

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<sup>1</sup> In keeping with the Court's practice, Plaintiff's full name will not be used in this Memorandum and Order due to privacy concerns. See Fed. R. Civ. P. 5.2(c) and the Advisory Committee Notes thereto.

Plaintiff is awarded \$4,719.63 for attorney fees and expenses in full satisfaction of any and all claims that may be payable to plaintiff in this matter under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412.

Any fees paid belong to plaintiff and not plaintiff's attorney and can be offset to satisfy any pre-existing debt that the litigant owes the United States. Astrue v. Ratliff, 560 U.S. 586 (2010). If defendant can verify that plaintiff does not owe a pre-existing debt to the government subject to the offset, defendant will direct that the award be made payable to Matthew Richter pursuant to the EAJA assignment duly signed by plaintiff. If payment is mailed, as compared to electronically deposited, it shall be mailed to counsel's address of record:<sup>2</sup>

Matthew Frederick  
Richter KELLER & KELLER LLP  
2850 N. Meridian St.  
Indianapolis, IN 46208

**SO ORDERED.**

Dated: August 17, 2023

s/*David W. Dugan*  
DAVID W. DUGAN  
United States District Judge

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<sup>2</sup>Plaintiff provided an assignment whereby Plaintiff assigned EAJA fees to counsel.